

FEB 23 2023

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISIONLAURA A. AUSTIN, CLERK
BY: MSlagle
DEPUTY CLERKJOHN DOE,
Plaintiff

v.

VIRGINIA POLYTECHNIC INST.,
& STATE UNIV. et al.,
Defendants)
)
) Case No. 7:21-cv-00378
)
)
)
) By: Michael F. Urbanski
) Chief United States District Judge

ORDER

As set forth in the accompanying memorandum opinion, the court **GRANTS** Virginia Tech's motion to dismiss pursuant to Rule 12(b)(1), ECF No. 38, and **GRANTS in part** and **DENIES in part** Virginia Tech's motion to dismiss pursuant to Rule 12(b)(6), ECF No. 41.

1. Doe's claims for violation of his due process rights against Virginia Tech, Tamara Cherry-Clarke, and Timothy Sands are **DISMISSED with prejudice**;

2. Doe's Title IX claim against Alexey Onufriev is **DISMISSED with prejudice**;

3. Doe's Title IX claim based on hostile environment is **DISMISSED with prejudice**;

4. Doe may proceed on his Title IX claims against Virginia Tech based on his allegations related to the NIH grant funding and retaliation;

5. The motion to withdraw as attorney in this case, ECF No. 57, is **GRANTED**, with the caveat that Dean is **DIRECTED** to provide Doe with a copy of this memorandum opinion and accompanying order;

6. Doe is **DIRECTED** to apprise the court of the name and address of his substitute counsel within fourteen (14) days. If Doe has not retained substitute counsel within fourteen

(14) days, he is **DIRECTED** file under seal with the court his contact information, including his real name, address, email address, and telephone number.

It is so **ORDERED**.

ENTERED: 02-22-2023

A handwritten signature in blue ink, appearing to read 'M. Urbanski', with a long horizontal line extending to the right.

Michael F. Urbanski
Chief United States District Judge